

AGN. NO. _____

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

JULY 3, 2007

On January 11, 2006, the Local Agency Formation Commission approved the annexation of the Landscape and Lighting Act (LLA) District No. 2, Zone No. 47 (Northpark) from the County of Los Angeles to the City of Santa Clarita (City). The City Council approved and adopted the attached Joint Resolution at its regular meeting on June 26, 2007. The resolution approves and accepts the negotiated exchange of benefit assessment proceeds for Zone No. 47, from the County of Los Angeles to the City, effective upon this Board's approval.

I, THEREFORE, MOVE that the Board of Supervisors find that the actions are exempt from the California Environmental Quality Act (CEQA); and authorize the Chairman of the Board of Supervisors to sign the attached Joint Resolution transferring jurisdiction over Zone No. 47 (Northpark). In addition, As a result of the recommended transfer of jurisdiction of Zone No. 47 to the City, the City will be providing landscaping services through its own procured contractor. Therefore, I further move that the portion of the Copperhill Area Zone Landscape Maintenance Agreement, Contract Number 74755, covering the maintenance of Zone No. 47 be terminated for convenience.

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MDA:sn

MOTION

MOLINA	_____
BURKE	_____
KNABE	_____
ANTONOVICH	_____
YAROSLAVSKY	_____

RESOLUTION NO. 07-47

JOINT RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES AND THE CITY COUNCIL OF THE CITY OF SANTA CLARITA TO TRANSFER JURISDICTION OVER AND APPROVING AND ACCEPTING THE NEGOTIATED EXCHANGE OF BENEFIT ASSESSMENT PROCEEDS FOR LANDSCAPE AND LIGHTING ACT DISTRICT (LLA) NO. 2, ZONE NO. 47 (NORTHPARK); SITUATED WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF SANTA CLARITA; FROM THE COUNTY OF LOS ANGELES TO THE CITY OF SANTA CLARITA

WHEREAS, Section 22612 of the Streets and Highways Code of the State of California provides that if all of the territory of a district is included within one city as a result of an annexation or incorporation, the legislative body may transfer jurisdiction over the district to the city council of the city by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place; and

WHEREAS, Landscape and Lighting Act (LLA) District No. 2, Zone No. 47 (Northpark), ("Zone No. 47"), currently within the jurisdiction of County of Los Angeles ("County"), is entirely located within the territorial boundaries of the City of Santa Clarita (the "City"); and

WHEREAS, the County affirms that the only funding source that benefits only Zone No. 47 is a special benefit assessment levy established by the Los Angeles County Board of Supervisors and collected by the County Tax Assessor; and

WHEREAS, the funds levied pursuant to that special assessment ("Assessment Proceeds") are currently deposited into a specific account held by the County to be used only used for Zone No. 47: account #025.52 (the "Account"); and

WHEREAS, the Account includes unspent Assessment Proceeds from prior fiscal years, unspent Assessment Proceeds from the current fiscal year, and in the future may also include additional Assessment Proceeds from prior, current or future fiscal years; and

WHEREAS, the funds within the Account can only be used within Zone No. 47; and

WHEREAS, on February 17, 2004 the County entered into an agreement number 74755 entitled, "Contract By And Between County Of Los Angeles And American Landscape Maintenance For Landscape Maintenance Services For

The Copperhill Area Zones (Zone Numbers 47, 62, And 67)" (the "Contract") which, was renewed on or about February 17, 2007; and

WHEREAS, the County represents that the Contract is in full force and effect, that County is unaware of the cancellation of any insurance policy held by the contractor, and that, to the best of County's knowledge, there has been no material breach of the Contract; and

WHEREAS, the County and the City consent to the transfer of jurisdiction over the portion of Zone No. 47 located within the territorial boundaries of the City from the County to the City; and

WHEREAS, the City Council of the City has authorized the City Manager or his designee to accept the transfer of Zone No. 47 on behalf of the City and has authorized the City Manager or his designee to execute all documents necessary to complete the transfer of Zone No. 47 from the County to the City; and

WHEREAS, pursuant to Section 99 of the Revenue and Taxation Code of the State of California, prior to the effective date of any jurisdictional change, the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change must determine the amount of Assessment Proceeds to be exchanged between the affected agencies and approve and accept the negotiated exchange of Assessment Proceeds by resolution, but if the affected agency is a special district, the Board of Supervisors must negotiate on behalf of the district.

NOW, THEREFORE, the Board of Supervisors of the County of Los Angeles, acting as the governing body of LLA District No. 2, Zone No. 47 Northpark, and the City Council of the City of Santa Clarita hereby resolve as follows:

SECTION 1. That the County and the City agree to transfer jurisdiction over Zone No. 47 from the County to the City.

SECTION 2. That the transfer shall take effect on the date the County formally approves the transfer (or a different date mutually agreed to in writing by the parties), the "Effective Date."

SECTION 3. If the Effective Date of the transfer of jurisdiction from County to City precedes the expiration date of the Contract, on the Effective Date of the transfer of jurisdiction, the County, in accordance with the terms of the Contract, shall provide written "Notice to Terminate" services with respect to Zone 47 only, and not Zones 62 and 67, ten days prior to the actual termination of the Contract.

SECTION 4. For Fiscal Year 2007-2008 only, the County shall levy and receive all Assessment Proceeds relating to Zone No. 47, continue to deposit the Assessment Proceeds into the Account and continue to pay for the Contract until the last day of service, effected pursuant to Section 3 above. Beginning Fiscal Year 2008-2009 and thereafter, the City shall levy and receive all Assessment Proceeds relating to Zone No. 47.

SECTION 5. Upon the Effective Date of this agreement, the County shall provide to City all funds currently in the Account and all funds that may be forwarded to the Account in the future pursuant to the following schedule:

a. No later than ninety (90) days after the Effective Date, the County shall transfer to the City sixty (60) percent of the amounts in the Account. This transfer shall constitute the first installment of the funds in the Account.

b. No later than one hundred fifty (150) days after the Effective Date, the County shall transfer to the City all remaining funds in the Account. This amount will include all prior unspent funds, including any Assessment Proceeds for Fiscal Year 2006-2007 and Fiscal Year 2007-2008 which have been received to date, less any invoices to be paid by the County from these funds and less Zone No. 47's pro-rata share of administrative expenses, if any. Copies of any invoices paid by County from these funds shall be provided to City upon request. The County and City may amend the amount of payment and/or the date of payment pursuant to written agreement.

c. If for any reason after 150 days after the Effective Date, there are any Assessment Proceeds or other funds in the Account, County shall forward those Assessment Proceeds or funds in the Account to the City within 30 days of County's knowledge of those Assessment Proceeds or funds.

SECTION 6. The County and the City have read the letter dated February 14, 2007 (the "Letter") that was written on behalf of the Northpark Homeowner's Association pertaining to issues involving slope maintenance and demanding repairs be made to slope areas. The County represents that to the best of its knowledge, except for the matters referenced in the Letter, there are no currently pending or threatened claims, or administrative or court proceedings against Zone No. 47.

The City, as governing body and administrator of Zone No. 47, agrees to indemnify, defend, and save harmless the District, County, and its agents, officers, and employees from any damages of any nature whatsoever, including but not limited to, bodily injury, death, personal injury, or property damage, worker's compensation suits, liability or expense, damage to Zone No. 47, or damage to applicable homeowner association and City property and equipment, arising from the performance of landscape or lighting services for Zone No. 47.

SECTION 7. The City agrees to the terms of this Joint Resolution as executed by the City Council on the date below. Should any terms or conditions herein be changed or altered in any form or manner, after the date of execution by the City, this Joint Resolution shall be deemed null and void.

PASSED, APPROVED AND ADOPTED this 26th day of June, 2007.


Marsha McLean, Mayor


STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SANTA CLARITA)

I, Sharon L. Dawson, CMC, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Santa Clarita at a regular meeting thereof, held on the 26th day of June, 2007, by the following vote:

AYES: COUNCILMEMBERS: Boydston, Ferry, Weste, Kellar, McLean

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None


Sharon Dawson, City Clerk

The foregoing Joint Resolution No. 47 was passed by the Board of Supervisors of the County of Los Angeles, State of California on JULY 3, 2007.

SACHI A. HAMAI,
Executive Officer -
Clerk of the Board of Supervisors of
the County of Los Angeles

By: [Signature]
Deputy



APPROVED AS TO FORM

RAYMOND G. FORTNER JR.
COUNTY COUNSEL

By: [Signature]
Principal Deputy County Counsel

By: [Signature]
Chairman, Board of Supervisors

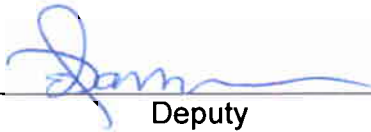
On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code which authorized the use of facsimile signatures of the Chairman of the Board on all papers, documents, or instruments requiring the Chairman's signature.

The undersigned hereby certifies that on this 3RD day of JULY, 2007, the facsimile signature of ZEV YAROSLAVSKY, Chairman of the Board of the Supervisors of the County of Los Angeles was affixed hereto as the official execution of this document. The undersigned further certifies that on this date, a copy of the document was delivered to the Chairman of the Board of Supervisors of the County of Los Angeles.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

SACHI A. HAMAI,
Executive Officer -
Clerk of the Board of Supervisors of
the County of Los Angeles

By



Deputy




STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SANTA CLARITA)

CERTIFICATION OF
CITY COUNCIL RESOLUTION

I, Sharon L. Dawson, City Clerk of the City of Santa Clarita, do hereby certify that this is a true and correct copy of the original Resolution No. 07-47, adopted by the City Council of the City of Santa Clarita, California on June 26, 2007, which is now on file in my office.

Witness my hand and seal of the City of Santa Clarita, California, this 27th day of June, 2007



Sharon L. Dawson, CMC
City Clerk

By _____
Susan Caputo
Deputy City Clerk